

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00119-MR-DCK**

CHARLES DEAN WILLINGHAM,

Plaintiff,

vs.

**CITY OF ASHEVILLE NC MAYOR
STAFFS, DAVID GANTT, CAROLINE
LONG, NOELE TACKETT, RHA KEY
PROGRAMS HEALTH SERVICES,
AHOPE STAFFS, CITY OF
ASHEVILLE NC HOUSING
ESTABLISHMENT, and CAROL
LOGAN,**

Defendants.

ORDER

THIS MATTER is before the Court on Defendant David Gantt's Motion to Dismiss [Doc. 10]; Defendant RHA Key Programs Health Services' Motion to Dismiss [Doc. 16]; and the Plaintiff's Notice of Dismissal [Doc. 18].

The Plaintiff has filed a notice of dismissal pursuant to Rule 41(a)(1)(A)(i), dismissing with prejudice the following Defendants: City of Asheville NC Housing Establishment, Noele Tackett, and Carol Logan. [Doc. 18]. In an addendum to his Notice, the Plaintiff also seeks the dismissal of

Defendants City Asheville NC Mayor Staffs, David Gantt, and RHA Key Programs. [Doc. 18 at 2]. The Plaintiff appears to indicate in this addendum that it is his intent to dismiss all of the Defendants named in this action with the exception of AHOPE Staffs. [Id. (“AHOPE is [the] only one [that] stays.”)]. Plaintiff’s Notice of Dismissal, however, does not address Defendant Caroline Long. In light of this discrepancy, the Court will require the Plaintiff to advise the Court in writing within fourteen (14) days whether he intended his Notice of Dismissal to also apply to his claims against Defendant Long. The Court will further extend Defendant Long’s deadline for answering or otherwise responding to the Complaint for an additional two weeks (to October 1, 2015) so that this discrepancy can be clarified prior to her answer being due.

The one Defendant that the Plaintiff clearly does not intend to dismiss at this time is AHOPE Staffs (“AHOPE”). AHOPE is a program of Homeward Bound of Western North Carolina, Inc. (“Homeward Bound”), a 501(c)(3) non-profit corporation. The Executive Director of Homeward Bound has filed a “Response to Summons in a Civil Action,” denying all of the allegations set forth in the Plaintiff’s Complaint. [Doc. 15]. A corporation, however, may not appear in federal court except through counsel. “It has been the law for the

better part of two centuries ... that a corporation may appear in federal courts only through licensed counsel.” Rowland v. California Men’s Colony, 506 U.S. 194, 202 (1993). The Court therefore directs the Defendant AHOPE to obtain counsel and have counsel enter an appearance in this case within thirty (30) days of the entry of this Order. The Defendant is hereby warned that failure to obtain counsel will result in the striking of its “Response” and the entry of default against it.

IT IS, THEREFORE, ORDERED that:

(1) Defendants City of Asheville NC Housing Establishment, Noele Tackett, Carol Logan, Asheville NC Mayor Staffs, David Gantt, and RHA Key Programs are hereby **DISMISSED WITH PREJUDICE** from this action:

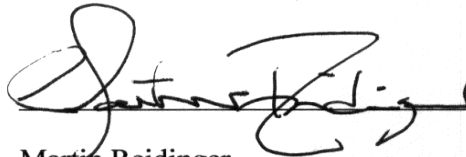
(2) The Plaintiff shall advise the Court in writing without fourteen (14) days of the entry of this Order as to whether it was his intent to dismiss Defendant Caroline Long from this action;

(3) Defendant Caroline Long’s deadline for the filing of an answer or other response to the Complaint is hereby **EXTENDED** to **October 1, 2015**;

(4) Defendant David Gantt’s Motion to Dismiss [Doc. 10] and Defendant RHA Key Programs Health Services’ Motion to Dismiss [Doc. 16] are **DENIED AS MOOT**; and

(5) Defendant AHOPE Staffs shall obtain counsel and have counsel enter an appearance in this case on its behalf within thirty (30) days of the entry of this Order. The Defendant is hereby warned that failure to obtain counsel will result in the striking of its Answer and the entry of default against it.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

